



Loudoun County, Virginia

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County Administration

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At a public hearing of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, March 14, 2006 at 6:30 p.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Stephen J. Snow
Mick Staton Jr.
Lori L. Waters

IN RE: CHAPTER 684 OF THE CODIFIED ORDINANCES/ WEAPONS AND
EXPLOSIVES/AMENDMENT

Mr. Staton moved that the Board of Supervisors suspend the rules.

Seconded by Mrs. Kurtz.

Voting on the Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch Waters and York - Yes; None - No.

Mr. Staton moved that the Board of Supervisors approve the Public Safety Committee recommended amendments to Chapter 684 of the Codified Ordinances of Loudoun County pertaining to Weapons and Explosives as provided in Attachment I.

Seconded by Mrs. Kurtz.

Voting on the Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch Waters and York - Yes; None - No.

COPY TESTE:

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS
f-chapter684 Weapons and Explosives

ATTACHMENT 1

CHAPTER 684 Weapons and Explosives

684.001 DEFINITIONS.

As used in this chapter, unless the context clearly requires a different meaning:

- (a) "Sheriff" means the Sheriff of the County or his or her designee.
- (b) "Firearm" means any weapon which will, is designed to or may be readily converted to expel a projectile by the action of an explosive, provided that stud nailing guns, rivet guns and similar construction equipment, neither designed or intended as weapons, shall not be deemed firearms.
- (c) "Gun" means and includes any rifle, shotgun, pistol or other firearm, and also includes any air gun, air rifle, pneumatic gun or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.
- (d) "Parcel" means any lot or other contiguous area of land in one ownership or in which all of the owners have joined in a written acknowledgement of the rights of all of them to shoot on all of such land, which constitutes, when combined, an area of not less than twenty acres.
- (e) "Pistol" means a gun having a barrel of less than sixteen inches in length.
- (f) "Recreational shooting" means the discharge of firearms or weapons, except bows and arrows, at fixed or moveable artificial targets.
- (g) "Rifle" means a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.
- (h) "Shotgun" means a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of balls shot for each pull of the trigger.
- (i) "Starting pistol" means any device which is designed or functions to simulate the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm.

684.01 FIREARMS ON PUBLIC HIGHWAYS AND RIFLES AND SHOTGUNS IN VEHICLES.

~~(a) No person shall carry or have in his possession a loaded firearm while walking or standing on any part of a public street, road or highway within the County, unless he is authorized to hunt on the private property on both sides of such public street, road or highway at such point.~~

~~(b) Subsection (a) hereof shall not apply to persons acting at the time in defense of persons or property or to persons carrying loaded firearms in moving vehicles.~~

~~(ea) No person shall transport, possess or carry a loaded shotgun or loaded rifle firearm in any vehicle on any public street, road or highway within the County. A shotgun or rifle firearm shall be considered to be loaded when any unfired or live ammunition is contained in the chamber of the weapon or in any other portion of the weapon that is designed to hold extra ammunition and that is attached to or affixed to the weapon.~~

(b) Subsection (ea) hereof shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, or to any person who reasonably believes that a loaded rifle or loaded shotgun is necessary for his personal safety in the course of his employment or business.

(c) The penalty for a violation of this section shall not exceed a fine of \$100.

684.02 DISCHARGING PNEUMATIC GUNS IN HEAVILY POPULATED AREAS.

(a) Purpose. The purpose of this section is to provide against the shooting of air-operated, carbon dioxide gas-operated and spring-operated weapons in heavily populated areas of the County, under authority granted the County in Section 15.2-1209 of the Code of Virginia of 1950, as amended.

(b) Definition. "Pneumatic gun," for the purposes of this section, means and includes any air gun, air rifle and similar device designed and intended to expel a projectile through a gun barrel of any length by means of expansion or release of compressed carbon dioxide gas or compressed air or by a combination of spring action and compressed air. The term "pneumatic gun" includes, but is not limited to, devices commonly referred to as paint ball guns, which operate by these means.

(c) Unlawful Acts. No person shall discharge any pneumatic gun in the unincorporated portion of the County, except those areas zoned A-3, A-10 or A-25 under the Loudoun County Zoning Ordinance. This section shall not be deemed to prohibit the following acts:

- (1) Any shooting or discharge of pneumatic guns upon a lawfully existing target, trap or skeet range;
- (2) Any shooting or discharge of pneumatic guns upon a target range operated by any police department or other law enforcement agency;
- (3) Any discharge of pneumatic guns in an entirely indoor target range, provided that adequate provisions are made to retain within the structure all projectiles discharged; and
- (4) Any discharge of an unloaded pneumatic gun, or any discharge of a BB gun not resulting in the expulsion of a projectile.

684.03 DISCHARGE OF FIREARMS.

- (a) (1) The Board of Supervisors prohibits the discharge of firearms, except for certain hunting activities provided herein, in the following area of the County:

The area within a line following State Route 620 (Braddock Road) from the boundary with Fairfax County west to its intersection with State Route 659, then along State Route 659 north to its terminus at State Route 7, then following State Route 7 west to the corporate limits of the Town of Leesburg, then following the corporate limit line of the Town of Leesburg north and west to the Potomac River, then east along the Potomac River boundary with Maryland to the Fairfax County line, then southwest along the Fairfax County line to its intersection with State Route 620.

- (2) Nothing herein shall prohibit the following hunting activities with firearms, subject to other applicable laws and regulations:
 - A. Deer hunting with handguns, shotguns or muzzle-loading rifles using a single projectile; or
 - B. All other hunting with rifles of .22 caliber rimfire or less, handguns, shotguns and muzzle-loading rifles using single or multiple projectiles.

(b) The discharge of firearms is prohibited within 50 yards of a highway in the primary or secondary system of State roads.

(c) The discharge of firearms is prohibited within 100 yards of any public park or school. Nothing in this section shall be enforced within a national or State park or forest or wildlife management area.

(d) The discharge of firearms is prohibited within 100 yards of a building with a current occupancy permit unless the owner or authorized agent has given permission.

(e) This section does not apply to the following actions:

- (1) Any shooting or discharge of firearms upon a lawfully established target, trap or skeet range;
- (2) The discharge of firearms by any duly authorized peace officer or law enforcement official acting in the proper performance of his or her duties;
- (3) Any shooting or discharge of firearms upon a target range operated by any police department or other law enforcement agency;
- (4) Any discharge of firearms in defense of one's life or to kill a dangerous or destructive wild animal;
- (5) The discharge of blank cartridges in theatrical performances or sporting events or at military funerals or other military affairs; and
- (6) A managed hunt to control the deer population under the supervision of the Federal, State, or local law enforcement or game management officials.

684.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

ATTACHMENT 2

§ 15.2-915.2. Regulation of transportation of a loaded rifle or shotgun.

The governing body of any county or city may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more than \$100. Game wardens, sheriffs and all other law-enforcement officers shall enforce the provisions of this section. No ordinance adopted pursuant to this section shall be enforceable unless the governing body adopting such ordinance so notifies the Director of the Department of Game and Inland Fisheries by registered mail prior to May 1 of the year in which such ordinance is to take effect.

The provisions of this section shall not apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

(1976, c. 506, § 18.2-287.1; 1977, c. 377; 1989, c. 50; 2004, c. 462.)

§ 15.2-1209.1. Counties may regulate carrying of loaded firearms on public highways.

The governing body of any county is hereby empowered to adopt ordinances making it unlawful for any person to carry or have in his possession while on any part of a public highway within such county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking; and to provide a penalty for violation of such ordinance not to exceed a fine of \$100. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles, or to persons acting at the time in defense of persons or property.

(Code 1950, § 18.1-272; 1975, cc. 14, 15, § 18.2-287; 2004, c. 462.)

§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.

It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public (i) in any city with a population of 160,000 or more or (ii) in any county having an urban county executive form of government or any county or city surrounded thereby or adjacent thereto or in any county having a county manager form of government.

The provisions of this section shall not apply to law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The exemptions set forth in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section.

(1991, c. 570; 1992, c. 790; 2003, c. 976; 2004, c. 995; 2005, c. 160.)